As Introduced

128th General Assembly Regular Session 2009-2010

H. B. No. 243

17

Representatives Letson, Burke

Cosponsors: Representatives Baker, Chandler, Derickson, Domenick, Gardner, Garland, Grossman, Hagan, Harwood, Huffman, McClain, Morgan, Murray, Pillich, Stautberg, Stebelton, Stewart, Wagner, Williams, B., Yuko

A BILL

To amend section 2921.04 of the Revised Code to 1 specify that the offense of intimidation of an 2 attorney, victim, or witness in a criminal case 3 also applies to delinquency cases and to any 4 attempt to influence, intimidate, or hinder a 5 witness to a criminal or delinquent act in the 6 discharge of the duty of a witness, and to prohibit any attempt to influence, intimidate, or 8 hinder a victim, witness, or attorney through any 9 act of unlawful conduct. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

<u>delinquent act</u> in the discharge of the duties of the witness.

Section 1. That section 2921.04 of the Revised Code be	11
amended to read as follows:	12
Sec. 2921.04. (A) No person shall knowingly attempt to	13
intimidate or hinder the victim of a crime or delinquent act in	14
the filing or prosecution of criminal or delinquent child charges	
or a witness involved in <u>to</u> a criminal action or proceeding <u>or</u>	16

(B) No person, knowingly and by force, unlawful conduct, or	18
by unlawful <u>an express or implied</u> threat of harm to any person or	19
property, shall attempt to influence, intimidate, or hinder the	20
victim of a crime or delinquent act in the filing or prosecution	21
of criminal <u>or delinquent child</u> charges or an attorney or, a	22
witness to a criminal or delinquent act in the discharge of the	23
duty of a witness, or an attorney involved in a criminal <u>or</u>	
delinquent child action or proceeding in the discharge of the	
duties of the attorney or witness .	26

- (C) Division (A) of this section does not apply to any person 27 who is attempting to resolve a dispute pertaining to the alleged 28 commission of a criminal offense, either prior to or subsequent to 29 the filing of a complaint, indictment, or information, by 30 participating in the arbitration, mediation, compromise, 31 settlement, or conciliation of that dispute pursuant to an 32 authorization for arbitration, mediation, compromise, settlement, 33 or conciliation of a dispute of that nature that is conferred by 34 any of the following: 35
 - (1) A section of the Revised Code;
- (2) The Rules of Criminal Procedure, the Rules of

 Superintendence for Municipal Courts and County Courts, the Rules

 of Superintendence for Courts of Common Pleas, or another rule

 39

 adopted by the supreme court in accordance with section 5 of

 40

 Article IV, Ohio Constitution;

 41

36

- (3) A local rule of court, including, but not limited to, a

 42

 local rule of court that relates to alternative dispute resolution

 43

 or other case management programs and that authorizes the referral

 44

 of disputes pertaining to the alleged commission of certain types

 45

 of criminal offenses to appropriate and available arbitration,

 46

 mediation, compromise, settlement, or other conciliation programs;

 47
 - (4) The order of a judge of a municipal court, county court, 48

H. B. No. 243 As Introduced	Page 3	
or court of common pleas.	49	
(D) Whoever violates this section is guilty of intimidation	50	
of an attorney, victim, or witness in a criminal case. A violation		
of division (A) of this section is a misdemeanor of the first		
degree. A violation of division (B) of this section is a felony of	53	
the third degree.	54	
(E) As used in this section:	55	
(1) "Duty of a witness" includes, but is not limited to,	56	
reporting a crime or delinquent act to a law enforcement agency,	57	
cooperating with law enforcement officers and the prosecuting	58	
attorney, and testifying in a court of law.	59	
(2) "Unlawful conduct" means:	60	
(a) Conduct that violates established criminal or civil law;	61	
(b) Threatening to commit any offense;	62	
(c) Uttering or threatening any calumny against any person;	63	
(d) Exposing or threatening to expose any matter tending to	64	
subject any person to hatred, contempt, or ridicule, to damage any	65	
person's personal or business repute, or to impair any person's		
<u>credit;</u>	67	
(e) Instituting or threatening criminal proceedings against	68	
any person;	69	
(f) Taking, withholding, or threatening to take or withhold	70	
official action, or causing or threatening to cause official	71	
action to be taken or withheld.	72	
(3) "Witness" means any person who has or claims to have	73	
knowledge concerning a fact or facts concerning a criminal or	74	
delinquent act, whether or not criminal or delinquenct child	75	
charges are actually filed.	76	
Section 2. That existing section 2921.04 of the Revised Code	77	

H. B. No. 243	Page 4
As Introduced	

is hereby repealed. 78